

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TEXAS
TYLER DIVISION

BERTHA EDWARDS §
v. § CIVIL ACTION NO. 6:11cv192
COMMISSIONER, SOCIAL SECURITY §
ADMINISTRATION

ORDER ADOPTING REPORT AND
RECOMMENDATION OF UNITED STATES
MAGISTRATE JUDGE

The Report and Recommendation of the Magistrate Judge, which contains his findings, conclusions, and recommendation for the disposition of this action, has been presented for consideration. The Report and Recommendation recommends that the social security action be reversed and remanded pursuant to the fourth sentence of 42 U.S.C. § 405(g) for (1) consideration of Dr. Grey's opinion in the determination of Plaintiff's RFC, consistent with 20 C.F.R. § 404.1527(c), *Newton v. Apfel*, 209 F.3d 448, 456 (5th Cir. 2000), and SSR 96-5p; and, (2) resolution of the evidence the Appeals Council cited in its denial of review, Tr. at 2, and whether it is a part of Plaintiff's medical evidence of record. No written objections have been filed. The findings and conclusions of the Magistrate Judge are therefore adopted as those of the Court.

In light of the foregoing, it is

ORDERED that the social security action be **REVERSED** and **REMANDED** pursuant to the fourth sentence of 42 U.S.C. § 405(g) for further proceedings consistent with the findings and

conclusions of the Magistrate Judge, which are hereby adopted. It is further
ORDERED that any motion not previously ruled on is **DENIED**.

So ORDERED and SIGNED this 15th day of February, 2013.



LEONARD DAVIS
UNITED STATES DISTRICT JUDGE